

The State of New Hampshire  
**Department of Environmental Services**



**Michael P. Nolin**  
Commissioner

A-Plus Finishing, Inc.  
P.O. Box 966  
Hudson, NH 03051

RE: A-Plus Finishing, Inc.  
71 D Pine Road,  
Hudson, NH 03051  
EPA ID No. NHD500014451

**ADMINISTRATIVE ORDER**  
**No. WMD 04-15**

**December 8, 2004**

**A. INTRODUCTION**

This Administrative Order is issued by the Department of Environmental Services, Waste Management Division to A-Plus Finishing, Inc. pursuant to RSA 147-A:14. This Order is effective upon issuance.

**B. PARTIES**

1. The Department of Environmental Services, Waste Management Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal offices at 29 Hazen Drive, Concord, NH 03301-6509.
2. A-Plus Finishing, Inc. ("A-Plus") is a New Hampshire corporation that registered with the New Hampshire Secretary of State's Office on July 24, 1995. A-Plus has a mailing address of P.O. Box 966, Hudson, NH 03051, and operates a facility located at, 71 D Pine Road, Hudson, NH 03051.

**C. STATEMENT OF FACTS AND LAW**

1. RSA 147-A authorizes DES to regulate the management, including storage, treatment, containerization, transportation, and disposal of hazardous wastes. Pursuant to RSA 147-A:3, the Commissioner of DES has adopted New Hampshire Administrative Rules Env-Wm 100-1100 ("Hazardous Waste Rules") to implement this program.
2. A-Plus is a hazardous waste generator that notified the United States Environmental Protection Agency ("EPA") of its activities on June 7, 1996. EPA Identification Number NHD500014451 was assigned to A-Plus's site located at 71 D Pine Road, Hudson, NH (the "Facility"). A-Plus subsequently notified DES on November 3, 2003, of a change to the

Facility's generator status from a New Hampshire Small Quantity Generator to a New Hampshire Full Quantity Generator (Federal Large Quantity Generator).

3. On July 21, 2004, DES personnel conducted an inspection (the "Inspection") of the Facility. The purpose of the Inspection was to determine A-Plus's compliance status relative to RSA 147-A and the Hazardous Waste Rules.

4. During the Inspection, DES personnel observed a wastewater treatment unit ("WWTU") that is used to treat electroplating wastewaters. The WWTU generates an F006 hazardous waste filter press cake.

5. During the Inspection, DES personnel observed an evaporation unit that is used to evaporate treated electroplating waste waters. The evaporation unit generates an F006 hazardous waste evaporator sludge.

6. During the Inspection, DES personnel observed eight (8) containers of hazardous waste and one (1) container of used oil stored in the main hazardous waste storage area. See the attached Container Inventory ("Inventory").

7. During the Inspection, DES personnel observed three (3) satellite storage containers; one (1) adjacent to the evaporation unit and two (2) adjacent to the plating line. (See the attached Inventory).

8. At the time of the Inspection, DES personnel observed A-Plus disposing of spent acetone on-site by passively evaporating the spent acetone in two (2) shallow containers. During the Inspection, Stanley Araszkievich, Owner, stated that spent acetone and spent methyl ethyl ketone are allowed to evaporate in shallow containers in lieu of shipping off-site to a Treatment Storage Disposal Facility ("TSDF").

9. At the time of the Inspection, DES personnel requested that A-Plus discontinue the on-site disposal of spent acetone and spent methyl ethyl ketone by evaporation.

10. Spent acetone is an F003 listed hazardous waste, as specified in Env-Wm 402.06(a).

11. Spent methyl ethyl ketone is an F005 listed hazardous waste, as specified in Env-Wm 402.06(a).

12. On August 25, 2004 DES received a fax submittal from A-Plus estimating that 1146 gallons of acetone had been used between 1999 and 2003, and 747 gallons of a methyl ethyl ketone had been used between 1999 and 2003.

13. RSA 147-A:4, I, requires that any person operating a hazardous waste facility first obtain a permit from DES.

14. Disposal of the hazardous waste spent acetone and hazardous waste spent methyl ethyl ketone by evaporation is a form of disposal which requires a hazardous waste facility permit.
15. Env-Wm 353.01 specifies that an operator may obtain a hazardous waste facility permit through DES providing all applicable sections of Part Env-Wm 353 are met.
16. DES has no record of receiving a hazardous waste facility permit application from A-Plus to evaporate hazardous waste spent acetone and hazardous waste spent methyl ethyl ketone at the Facility and no such permit has been issued.
17. A-Plus has been disposing of the hazardous waste spent acetone and hazardous waste spent methyl ethyl ketone by passive evaporation without a hazardous waste facility permit.
18. A-Plus operates a WWTU which is a hazardous waste treatment facility within the definition of RSA 147-A:2, IV.
19. RSA 147-A:4, I requires that any person who wishes to operate a hazardous waste treatment facility first obtain a Limited Permit for a WWTU provided the operator meets the conditions specified in Env-Wm 353.04(b) through (o), including the submission of a Limited Permit application form.
20. A-Plus was granted Limited Permit DES-HW-LP-97-008 ("the Limited Permit") on March 24, 1997.
21. A-Plus's Limited Permit expired on March 18, 2002.
22. At the time of the Inspection, DES had no record of receiving an application for a permit renewal or a limited permit application form from A-Plus for the WWTU.
23. At the time of the Inspection, A-Plus did not have a limited permit for the WWTU found operating at the Facility.
24. Env-Wm 502.01 requires that a generator of a waste determine if the waste is a hazardous waste.
25. At the time of the Inspection, an adequate hazardous waste determination had not been performed on the waste electroless nickel solution generated by A-Plus. DES personnel also confirmed that A-Plus has disposed of waste lamps in an on-site dumpster.
26. Env-Wm 507.01(a)(3) requires hazardous waste to be placed in containers or tanks that are closed at all times except to add or remove waste.
27. During the Inspection, DES personnel observed that five (5) hazardous waste containers in the main storage area and one (1) satellite container of hazardous waste stored adjacent to the evaporator were not closed. (See the attached Inventory).



28. Env-Wm 507.03(a)(1)a. requires containers and tanks to be marked with the beginning accumulation date when they are first used to store hazardous waste.
29. During the Inspection, DES personnel observed that five (5) hazardous waste containers stored in the main storage area were not marked with the beginning accumulation date. (See the attached Inventory).
30. Env-Wm 507.03(a)(1)b., c., and d. require containers and tanks used for the storage of hazardous waste to be clearly marked with the words "hazardous waste", words that identify the contents of the container, and the EPA or state waste number.
31. During the Inspection, DES personnel observed that five (5) hazardous waste containers stored in the main storage area were not marked with the words "hazardous waste", words that identify the contents of the container, and the EPA or state waste number. (See the attached Inventory).
32. Env-Wm 509.02(a)(1), which references 40 CFR Part 265.15, General Inspection Requirements, requires full quantity generators to conduct inspections of the Facility, including the hazardous waste storage area, and to document the inspections.
33. At the time of the Inspection, A-Plus was not conducting and documenting inspections of the main hazardous waste storage area. Furthermore, there was no documentation available that indicated inspections had been performed during the last 3 years.
34. Env-Wm 509.02(a)(2), which references 40 CFR Part 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program for its employees responsible for handling hazardous waste.
35. At the time of the Inspection, A-Plus did not have a personnel training program for its employees responsible for handling hazardous waste.
36. At the time of the Inspection, A-Plus was not providing hazardous waste training to one (1) of the two (2) employees responsible for handling hazardous waste. The employee is identified as Stanley Araszkievicz, Owner, Wastewater Treatment Operator, and Hazardous Waste Handler.
37. Mark Lister, Hazardous Waste Coordinator, was certified by DES as a NH Hazardous Waste Coordinator on December 16, 2003.
38. Env-Wm 509.02(a)(4), which references 40 CFR Part 265, Subpart C, Preparedness and Prevention, requires full quantity generators to maintain spill control equipment at each hazardous waste storage area, not more than 100 feet from each area, accessible along a clear path.

39. At the time of the Inspection, A-Plus did not have spill control equipment available at the main hazardous waste storage area. Furthermore, there was no spill control equipment available in the Facility.

40. Env-Wm 509.02(a)(5), which references 40 CFR Part 265, Subpart D, Contingency Plan and Emergency Procedures, requires full quantity generators to maintain a contingency plan designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

41. At the time of the Inspection, A-Plus did not have a hazardous waste contingency plan.

42. Env-Wm 509.02(b) requires full quantity generators to post at the nearest telephone to the hazardous waste storage area a list of the steps to take if an emergency occurs (including the location of fire extinguishers and spill control material, and if present, fire and internal emergency alarms) and telephone numbers for the emergency coordinators (home and office), the fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services.

43. At the time of the Inspection, A-Plus's emergency posting did not contain the telephone numbers of the emergency coordinators and the location of fire extinguishers, spill control material, and fire and internal emergency alarms.

44. Env-Wm 509.03(g) requires containers used for the satellite storage of hazardous waste to be clearly marked with the words "hazardous waste," and words that identify the contents of the container.

45. During the Inspection, DES personnel observed one (1) 55-gallon satellite storage container of hazardous waste located next to the plating line that was not marked with the words "hazardous waste." (See the attached Inventory).

46. Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycling label their containers and tanks with the words "Used Oil for Recycle" at all times during accumulation and storage.

47. At the time of the Inspection, one (1) 5-gallon container of used oil was not labeled with the words "Used Oil for Recycle." (See the attached Inventory).

48. Env-Wm 807.06(b)(5) requires that generators of used oil ensure that containers or tanks are closed at all times, except when used oil is being added to or removed from the container or tank.

49. At the time of the Inspection, the one (1) container of used oil was not closed. (See the attached Inventory).

50. Env-Wm 807.06(b)(7) requires generators to conduct an initial used oil determination by analyzing it for all of the parameters specified in Env-Wm 807.02 and Env-Wm 807.03.

51. At the time of the Inspection, A-Plus had not conducted an adequate used oil determination for its used oil. Furthermore, there was no documentation available that indicated a used oil determination had ever been performed.

#### D. DETERMINATION OF VIOLATIONS

1. A-Plus has violated RSA 147-A:4, I and Env-Wm 353.01 by failing to obtain a permit for the on-site disposal through evaporation of an F003 and an F005 hazardous waste (*i.e.*, spent acetone and spent methyl ethyl ketone).

2. A-Plus has violated Env-Wm 353.04(c) by failing to obtain a limited permit for the WWTU.

3. A-Plus has violated Env-Wm 502.01 by failing to conduct adequate hazardous waste determinations for the waste electroless nickel solution and the waste lamps.

4. A-Plus has violated Env-Wm 507.01(a)(3) by failing to place hazardous waste in containers or tanks that are closed at all times except to add or remove waste.

5. A-Plus has violated Env-Wm 507.01(a)(1)a. by failing to mark each hazardous waste container or tank with the beginning accumulation date when they are first used to store hazardous waste.

6. A-Plus has violated Env-Wm 507.01(a)(1)b., c., and d. by failing to mark each hazardous waste container with the words "hazardous waste", words that identify the contents of the container, and the EPA or state waste number when they are first used to store hazardous waste.

7. A-Plus has violated Env-Wm 509.02(a)(1) by failing to conduct and document inspections of the Facility, including the hazardous waste storage area.

8. A-Plus has violated Env-Wm 509.02(a)(2) by failing to maintain a personnel training program and to adequately train all personnel responsible for handling hazardous waste.

9. A-Plus has violated Env-Wm 509.02(a)(4) by failing to maintain spill control equipment within 100 feet of the hazardous waste storage area.

10. A-Plus has violated Env-Wm 509.02(a)(5) by failing to maintain a contingency plan at the Facility.

11. A-Plus has violated Env-Wm 509.02(b) by failing to post adequate emergency information at the telephone nearest to the hazardous waste storage area.



12. A-Plus has violated Env-Wm 509.03(g) by failing to mark a container used for the satellite storage of hazardous waste with the words "hazardous waste."
13. A-Plus has violated Env-Wm 807.06(b)(4) by failing to mark a container used for the storage of used oil with the words "Used Oil for Recycle."
14. A-Plus has violated Env-Wm 807.06(b)(5) by failing to ensure that containers or tanks used to store used oil are closed at all times except to add or remove used oil.
15. A-Plus has violated Env-Wm 807.06(b)(7) by failing to conduct an adequate used oil determination for the spent oil waste stream.

#### **E. ORDER**

Based on the above findings, DES hereby orders A-Plus as follows:

1. Cease and desist the disposal through evaporation of the hazardous waste spent acetone and the hazardous waste spent methyl ethyl ketone. Manage the hazardous waste spent acetone and the hazardous waste spent methyl ethyl ketone according to the rules of Env-Wm 500, including, but not limited to:  
**IMMEDIATELY**
  - a. The Environmental and Health Requirements specified in Env-Wm 506;
  - b. The Storage Requirements specified in Env-Wm 507.01;
  - c. The Storage Time Requirements specified in Env-Wm 507.02;
  - d. The Packaging/Labeling/Pre-transport Requirements specified in Env-Wm 507.03; and
  - e. The Delivery Requirements specified in Env-Wm 511.01.
2. Obtain a Limited Permit for its WWTU, as specified in RSA 147-A:4, by complying with the requirements of Env-Wm 353.04(b) through (o), including the submission of a New Hampshire Limited Permit application form and \$500 fee to DES.  
**COMPLETED**

*Note: DES received a New Hampshire Limited Permit application form and \$500 fee from A-Plus on August 18, 2004.*

3. Perform hazardous waste determinations as specified in Env-Wm 502.01 for the waste electroless nickel, and the waste lamps; and submit the results along with any supporting data used to make the hazardous waste determination to DES. **60 DAYS**  
Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules, Env-Wm 100-1100.

The hazardous waste determination for the waste electroless nickel must include the testing of a representative sample for the characteristic of toxicity as defined in Env-Wm 403.06. The analyses should include, at a minimum, RCRA metals, using the Toxicity Characteristic Leaching Procedure (TCLP) Method 1311 found in Test Methods for Evaluating Solid Wastes, SW-846.

For the waste lamps, A-Plus may alternatively elect to manage them as "universal waste" in accordance with Env-Wm 1100. The DES Environmental Fact Sheet #WMD-HW-7 "Universal Waste Lamps: Management Requirements for Handlers and Transporters," and a DES "Fluorescent Lamp and Ballast Recycling Facility" list are enclosed.

4. Ensure that hazardous waste containers are properly sealed, and bungs or lids are closed except when wastes are actually being added to or removed from the container as specified in Env-Wm 507.01(a)(3). **IMMEDIATELY**
5. Ensure that all hazardous waste containers and tanks are clearly marked with the beginning date of accumulation, as specified in Env-Wm 507.03(a)(1)a. **IMMEDIATELY**
6. Ensure that all hazardous waste containers and tanks are clearly marked with the words "hazardous waste", words that identify the contents of the container, and the EPA or state waste number, as specified in Env-Wm 507.03(a)(1)b., c., and d. **IMMEDIATELY**
7. Develop and implement a general inspection program, as specified in Env-Wm 509.02(a)(1), which references 40 CFR Part 265.15, General Inspection Requirements. This program must provide for, at a minimum, weekly inspections of areas where hazardous wastes are stored. **IMMEDIATELY**



8. Develop and maintain a personnel training program as specified in Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, including: **30 DAYS**
  - a. Ensure that all personnel handling hazardous waste receive initial hazardous waste management training and annual updates of their training [40 CFR 265.16(c)]; and
  - b. Ensure that the following documents and records are maintained at the Facility:
    - i. Job title for each position at the Facility related to hazardous waste management, and the name of the employee filling each job;
    - ii. A written job description, including requisite skills, education and duties, for positions with hazardous waste management duties; and
    - iii. Documentation that training has been completed.
9. Maintain spill control equipment within 100 feet of the hazardous waste storage area, as specified in Env-Wm 509.02(a)(4). **IMMEDIATELY**
10. Develop a site specific contingency plan as specified in Env-Wm 509.02(a)(5), which references 40 CFR 265 Subpart D, Contingency Plan and Emergency Procedures, including, but not limited to: **30 DAYS**
  - a. Describing the actions Facility personnel must take to comply with 40 CFR 265.51 and 40 CFR 265.56 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste [40 CFR 265.52(a)];
  - b. Listing the arrangements with local police departments, fire departments, hospitals, contractors, and state and local response teams [40 CFR 265.52(c)];
  - c. Listing names, addresses, and phone numbers of primary and alternate emergency coordinators [40 CFR 265.52(d)];
  - d. Listing all emergency equipment at the Facility,

- including the location, physical description, and capabilities of each item [40 CFR 265.52(e)];
- e. Describing an evacuation plan for Facility personnel including the signal to begin evacuation and primary and alternate evacuation routes [40 CFR 265.52(f)]; and
  - f. Submitting copies of the contingency plan to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services [40 CFR 265.53].
11. Ensure that a list of the steps to take in the event of an emergency are posted at the telephone nearest to each hazardous waste storage area, as specified in Env-Wm 509.02(b). **30 DAYS**
12. Ensure that all satellite storage containers are clearly marked with the words "Hazardous Waste", and words that identify the contents of the container, as specified in Env-Wm 509.03(g). **IMMEDIATELY**
13. Mark all used oil containers with the words "Used Oil for Recycle." **IMMEDIATELY**
14. Ensure that used oil containers are properly sealed, and bungs or lids are closed except when oil is actually being added to or removed from the container as specified in Env-Wm 807.06(b)(5). **IMMEDIATELY**
15. Perform a used oil determination as specified in Env-Wm 807.06(b)(7) for the spent oil, and submit the results along with any supporting data to DES. **60 DAYS**
16. Submit a written status report to DES within thirty-five (35) calendar days and a second report within sixty-five (65) calendar days of the date of this Order, certifying that corrective measures have been implemented and compliance achieved. Include in the report supporting documentation describing those measures taken to achieve compliance and copies of any written plans or proceedings developed.
17. Please address all submittals, **other than appeals**, to:

Robert Bishop, Waste Management Specialist  
DES, WMD  
P.O. Box 95  
Concord, NH 03302-0095

#### F. APPEAL

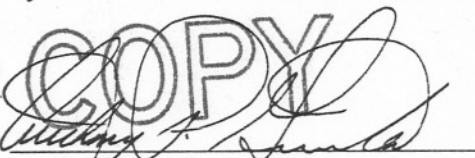
Any person aggrieved by this Order may appeal the Order to the Waste Management Council by filing an appeal that meets the requirements specified in Env-WMC 200 within 30 days of the date of this Order. Copies of the rule are available from DES's Public Information Center at (603) 271-2975 or at <http://www.des.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve A-Plus of the obligation to comply with the Order.

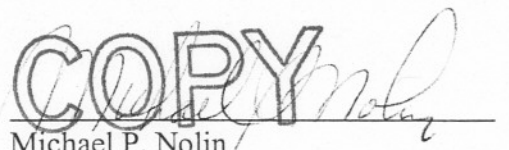
#### G. OTHER PROVISIONS

Please note that RSA Ch. 147-A provides for civil and criminal penalties and administrative fines for violations of the statute or any rule adopted by DES relative to the statute, as well as for violations of this Order. RSA 147-A:17 provides for civil forfeitures of up to \$50,000 for each day of a continuing violation, in addition to enforcement by injunctive relief.

DES will continue to monitor the compliance status of A-Plus to determine whether the Facility has come into, and is maintaining, full compliance with the applicable rules. Future violations may result in additional enforcement action being taken.

A-Plus may assert a confidentiality claim covering part or all of the information requested which constitutes a trade secret, in accordance with RSA 147-A:7, II. If no such claim accompanies the information when it is received by DES, it may be made available to the public by DES without further notice to A-Plus.

  
Anthony P. Giunta, P.G.  
Director  
Waste Management Division

  
Michael P. Nolin  
Commissioner  
Department of Environmental Services

cc: DB/RCRA/ORDER/ARCHIVE  
Gretchen Hamel, Esq., Legal Unit Administrator, DES Legal Unit  
Public Information Coordinator, DES  
Jennifer Patterson, NHDOJ-OAG  
Town Clerk, Hudson, NH

e-mail: John Duclos, HWCS

enclosure: Hazardous Waste Generator Inspection Report  
Hazardous Waste Container Inventories  
Fact Sheet #WMD-HW-7, "Universal Waste Lamps: Management Requirements for Handlers and Transporters"  
"Fluorescent Lamp and Ballast Recycling Facility" List